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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 14-cv-00159-RFB-CWH
)	
RAZVAN MARCU,)	
)	
Defendant.)	

PLAINTIFF'S MOTION FOR A 60-DAY EXTENSION OF DISCOVERY

The United States requests a 60-day extension of discovery and provides a proposed discovery order, pursuant to Federal Rule of Civil Procedure 26. The United States, through Assistant United States Attorney, Roger Wenthe, submitted a proposed Discovery Plan/Scheduling Order on October 21, 2014. On December 22, 2014, the United States filed a motion for a 60-day extension of discovery because, while Defendant ("Marcu") was *pro se*, incarcerated, and subsequently residing in an

undisclosed federal halfway house, all mail had to go through a federal inmate mailing system, which significantly prolonged the procurement of discovery. Thereafter, on January 15, 2015, attorney Dan M. Winder noticed his appearance on behalf of Marcu. After several discovery disputes, counsel for both parties jointly filed a Stipulation for Extension of Discovery for 90 days. Without an extension, discovery would close on June 29, 2015. Therefore, the United States requests that the discovery deadline be extended to July 29, 2015 for the reasons put forth below.

This is an action by the United States to revoke the naturalization of Marcu pursuant to 8 U.S.C. § 1451. Marcu was incarcerated when this action commenced, but is now residing in Las Vegas, Nevada.

The United States requests this extension for the following reasons:

- Plaintiff's lead counsel, Danielle K. Schuessler, deposed Marcu on May 28, 2015. During this deposition, Marcu, for the first time, indicated that two banking transactions at issue were separate and independent from the conspiracy for which Marcu was convicted and which forms the basis of this denaturalization lawsuit. Ms. Schuessler has identified three witnesses who have, or who are likely to have, documents that contradict Marcu's deposition testimony. Ms. Schuessler has spoken to two of the three witnesses and requested those documents from them; Ms. Schuessler is still waiting to receive those documents. Ms. Schuessler is also attempting to discover the whereabouts of the third witness, and would require extra time to speak with or depose that witness. Finally, Ms. Schuessler has thus far been unable to

locate Marcu's potential corroborating witness, and requests more time to do so.

- From May 27, 2015, through June 11, 2015, the United States issued eight additional subpoenas for documents, but has only received a portion of the documents requested, and therefore requires more time to receive and process the outstanding responsive materials. Plaintiff sent four of the outstanding subpoenas on June 11, 2015, based on full account numbers Ms. Schuessler had only received that day (Ms. Schuessler had only partial account numbers prior to June 11, 2015).
- On June 4, 2015, Ms. Schuessler received a transcript of a sentencing hearing in which Marcu admitted information that contradicts his deposition testimony. Ms. Schuessler has requested the certified transcripts, but has not yet received them.
- Through discovery, Ms. Schuessler has learned that Marcu is separated from his ex-fiancé and mother of his child, and Ms. Schuessler needs time to find and contact this individual as a potential witness.
- Upon Marcu's repeated requests, the United States postponed his deposition four times. Indeed, in the Joint Stipulation filed on March 24, 2015, the Parties agreed that counsel for Marcu would not request any further postponement or otherwise attempt to block the deposition from occurring. Due to these postponements, Ms. Schuessler could not have obtained the information requested earlier in the discovery period. Furthermore, Marcu has not provided any discovery materials to the United States, [including initial

disclosures pursuant to Rule 26,] which has prevented Ms. Schuessler from obtaining information in a more timely manner.

Ms. Schuessler conferred with Marcu's counsel on June 9, 2015, to request the extension of discovery, given the deposition postponements, however counsel for Marcu does not consent to an extension. Because Marcu is represented by counsel and no longer incarcerated, an extension would not be prejudicial to him.

The United States therefore requests the following changes to the discovery schedule:

<u>Event</u>	<u>Current Due Date</u>	<u>REQUESTED DUE DATE</u>
Discovery Closes	June 29, 2015	August 28, 2015
Dispositive Motions Due	July 31, 2015	September 29, 2015
Joint Pretrial Order Due		
If no dispositive motions: August 28, 2015		October 27, 2015
If dispositive motions filed: 30 days after disposition		No Change Requested

ORDER

In light of Defendant's failure to oppose the instant motion, and good cause appearing, this Court grants the government's motion.

DATED: July 14, 2015


 United States Magistrate Judge

Date: June 11, 2015

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on
Marcu's counsel, Arnold Weinstock shown, through ECF:

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Dated: June 11, 2015

s/ Danielle K. Schuessler
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